

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IFW

in re Patent Application of

TAKAFUJI et al

Serial No. 10/802,735

Filed: March 18, 2004

Title: SEMICONDUCTOR DEVICE AND METHOD OF MANUFACTURING THE SAME

OCT 12 2004
U.S. PATENT & TRADEMARK OFFICEAtty Dkt. 1035-501
C# M#

TC/A.U. 2811

Examiner: Tran, T.

Date: October 12, 2004

Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

Sir:

RESPONSE/AMENDMENT/LETTER

This is a response/amendment/letter in the above-identified application and includes an attachment which is hereby incorporated by reference and the signature below serves as the signature to the attachment in the absence of any other signature thereon.

 Correspondence Address Indication Form Attached.**Fees are attached as calculated below:**

Total effective claims after amendment 42 minus highest number previously paid for 42 (at least 20) = 0 x \$ 18.00	\$ 0.00
Independent claims after amendment 4 minus highest number previously paid for 4 (at least 3) = 0 x \$ 88.00	\$ 0.00
If proper multiple dependent claims now added for first time, add \$300.00 (ignore improper)	\$ 0.00
Petition is hereby made to extend the current due date so as to cover the filing date of this paper and attachment(s) (\$110.00/1 month; \$430.00/2 months; \$980.00/3 months)	\$ 0.00
Terminal disclaimer enclosed, add \$ 110.00	\$ 0.00
<input type="checkbox"/> First/second submission after Final Rejection pursuant to 37 CFR 1.129(a) (\$790.00)	\$ 0.00
<input type="checkbox"/> Please enter the previously unentered , filed	
<input type="checkbox"/> Submission attached	
	Subtotal \$ 0.00
If "small entity," then enter half (1/2) of subtotal and subtract	-\$ 0.00
<input type="checkbox"/> Applicant claims "small entity" status. <input type="checkbox"/> Statement filed herewith	
Rule 56 Information Disclosure Statement Filing Fee (\$180.00)	\$ 0.00
Assignment Recording Fee (\$40.00)	\$ 0.00
Other:	0.00
	TOTAL FEE ENCLOSED \$ 0.00

The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140. A duplicate copy of this sheet is attached.

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NIXON & VANDERHYE P.C.
 By Atty: H. Warren Burnam, Jr., Reg. No. 29,366

Signature: H. Warren Burnam

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* * * * *

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Alexandria, VA 22313-1450

Sir:

ELECTION UNDER 35 USC §121

In response to the Office Action dated September 15, 2004 holding the subject matter of claims 1-32 to be non-obvious and patentably distinct from that of claims 33-42, Applicant(s) hereby elect the invention of Group I, (upon which claims 1-32 are readable) for further substantive examination. Applicant also elects Species 1 (the species of Figs. 1a-1h, claims 1-5, 9, 10 and 12-16) for further prosecution in the event no generic claim is finally held to be allowable. Applicant deems claim 1 to be generic to Species 1, 3, 4 and 5.

This election is made without traverse. However, since a restriction requirement is never proper unless the restricted group of claims is patentably distinct (i.e., *inter alia*, non-obvious under 35 USC §103) from the elected group of claims, the Examiner is requested to insure that such patentable distinctness is present before proceeding to make the requirement final.

It is respectfully requested that the non-elected claims be retained for use with a possible divisional application.

Respectfully submitted,
NIXON & VANDERHYE P.C.

October 12, 2004

By: H. Warren Burnam, Jr.
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